

Introduced by Senator HuesoFebruary 23, 2015

An act to add Section 1940.8.5 to the Civil Code, relating to rental property.

LEGISLATIVE COUNSEL'S DIGEST

SB 328, as introduced, Hueso. Landlords: notice of pesticide use.

Existing law regulates the hiring of dwelling units, as defined. Existing law requires a landlord of a residential dwelling unit to provide a new tenant with certain disclosures, including, but not limited to, specified notice from a registered structural pest control company regarding the use of pesticides at the dwelling unit if a contract for periodic pest control service has been executed.

This bill would require the landlord or the landlord's authorized agent, as defined, to provide a current tenant with specified notice of the use of pesticides at the dwelling unit if the landlord or authorized agent applies any pesticide without a licensed pest control operator.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Exposure to pests, such as arthropods and rodents, in one's
- 4 home has clear health impacts. Cockroaches are known to produce
- 5 allergens that trigger asthma, especially in children. A National
- 6 Institutes of Health study found that cockroach allergens are the
- 7 primary contributor to childhood asthma in inner-city homes.

1 House mice can spread a type of meningitis. Bed bug bites can
2 cause itching and become infected, while bed bug infestations have
3 been linked to severe mental stress.

4 (b) In many cases, pesticides that are used in homes are linked
5 to serious health concerns. According to the United States
6 Environmental Protection Agency, out of 94 million households
7 in the United States, 60 million of them use pesticides every year.
8 The number and concentrations of pesticides found in household
9 dust exceed those found in food, soil, or air. Pesticides can remain
10 in carpets and kitchen floors for years, creating long-term exposure
11 to substances that can cause various health problems, including
12 acute and persistent injury to the nervous system, injury to
13 reproductive systems, respiratory problems such as asthma, birth
14 defects, and cancer.

15 (c) Children, whose bodies and brains are still developing, are
16 more susceptible to pesticide poisoning than adults. For children,
17 exposure to pesticides can have irreversible detrimental effects,
18 including learning disabilities, cancer, leukemia, and asthma
19 development. According to 2010 data from the American
20 Association of Poison Control Centers, over 40,000 children are
21 involved in common household pesticide-related poisoning or
22 exposure each year in the United States.

23 (d) Broadcast applications of liquid pesticides, such as aerosols,
24 foggers, or sprays, often over-expose occupants to pesticides. Many
25 residential rental property owners use those broadcast applications
26 on a regular schedule to suppress pests, resulting in continuous
27 exposure to tenants. Additionally, broadcast applications of liquid
28 pesticides have been proven ineffective in managing cockroaches
29 and other pests. Pests often return after the use of these applications
30 because the underlying conditions go unaddressed. Evidence also
31 suggests that in some cases, pesticide applications increase the
32 allergens produced by cockroaches, exacerbating their negative
33 health impact.

34 (e) Existing law requires licensed pest control operators to
35 provide to tenants prior to a pesticide application, advance written
36 notification that includes the pest to be targeted, the pesticide to
37 be used, the frequency of its use, and a health and safety statement.

38 (f) Landlords or property managers commonly apply commercial
39 pesticides without using the services of a licensed professional.

1 Currently, there is no notification requirement for tenants when
2 pesticides are applied by a nonprofessional.

3 SEC. 2. Section 1940.8.5 is added to the Civil Code, to read:

4 1940.8.5. (a) For purposes of this section, the following terms
5 have the following meanings:

6 (1) “Authorized agent” means an individual, organization, or
7 other entity that has entered into an agreement with a landlord to
8 act on the landlord’s behalf in relation to the management of a
9 residential rental property.

10 (2) “Landlord” means an owner of residential rental property.

11 (3) “Pest” means a living organism that causes damage to
12 property or economic loss, or transmits or produces diseases.

13 (b) (1) (A) If a landlord or authorized agent applies any
14 pesticide without a licensed pest control operator, the landlord or
15 authorized agent shall provide, consistent with the requirements
16 of subparagraph (B), an affected tenant with written notice that
17 contains, in nontechnical language and in clear and coherent
18 manner, the following statements and information:

19 (i) The pest to be controlled.

20 (ii) The pesticide product proposed to be used.

21 (iii) “State law requires that you be given the following
22 information:

23 CAUTION – PESTICIDES ARE TOXIC CHEMICALS. The
24 California Department of Pesticide Regulation and the United
25 States Environmental Protection Agency allows the unlicensed
26 use of certain pesticides based on existing scientific evidence that
27 there are no appreciable risks if proper use conditions are followed
28 or that the risks are outweighed by the benefits. The degree of risk
29 depends upon the degree of exposure, so exposure should be
30 minimized.

31 If within 24 hours following application you experience
32 symptoms similar to common seasonal illness comparable to
33 influenza, you should contact your physician or local poison control
34 center (telephone number).

35 For further information, contact any of the following: for Health
36 Questions – the County Health Department (telephone number)
37 and for Regulatory Information – the Department of Pesticide
38 Regulation (telephone number).

39
40 (iv) The frequency with which the pesticide will be applied.

- 1 (B) The tenant must receive the notice at least 48 hours prior
2 to application of the pesticide in at least one of the following ways:
3 (i) First-class mail.
4 (ii) Personal delivery.
5 (2) Nothing in this section abrogates the responsibility of a
6 registered structural pest control company to abide by the
7 notification requirements of Section 8538 of the Business and
8 Professions Code.
9 (c) Nothing in this section authorizes a landlord or authorized
10 agent to enter a tenant's dwelling unit in violation of Section 1954.